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09/960,232	09/20/2001	Kuansan Wang	M61.12-0389	5870

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EXAMINER

SCUDERI, PHILIP S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,232

Applicant(s)

WANG ET AL.

Examiner

Philip S. Scuderi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,8,9,14-18,20-25,34 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,14-18,20-25,34 and 36-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This Office action is in response to applicant's amendment filed on 17 January 2006.

### *Claim Objections*

The claim objections set forth in the last Office action have been withdrawn because applicant's amendments have overcome the objections.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 8, 9, 14-18, 20-25, 34, and 36-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 claims that “a user” (emphasis added) indicates fields on “a first client device” and that “the user” (emphasis added) is given prompts on “a second client device, remote from the first client device” (emphasis added). The specification does not appear to support the same user operating two remote devices such as devices 30 and 80 shown in figure 5.

Claim 34 claims that input data is obtained “from a user of each of the first client device and a second client device remote from each other” (emphasis added). The specification does not

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appear to support the same user operating two remote devices such as devices 30 and 80 shown in figure 5.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 9, 14, 15, 20, 25-30, 34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,960,399 ("Barclay") in view of U.S. Patent No. 6,587,822 ("Brown").

Regarding claims 1, 26, and 34, Barclay teaches a server/client system for processing data, the system comprising:

a network comprising:

a web server having information accessible remotely (figure 4, 80);

a first client device (figure 4, 70) adapted to receive information from the web server and having a visual interface browser to access information from the web server and a rendering device to visually indicate fields to be entered, the first client device configured to record input speech data associated with each of the fields upon an indication by a user of which field subsequent input is intended for, and wherein the first client device is adapted to send the input speech data to a recognition server remote from the first client device (column 8, line 37 – column 9, line 30);

wherein the recognition server (figure 4, 80) is configured to receive the input speech data from the client device and return data indicative of what was recognized to the client device providing the input speech data (column 8, line 37 – column 9, line 30).

Barclay does not teach the following:

a second client device, remote from the first client device, having a microphone and a speaker and adapted to receive information from the web server, the second client device configured to record input speech data associated with each of a set of fields in response to prompts given to the user, and wherein the second client device comprises a telephone and a voice browser capable of rendering the information from the web server audibly.

In a similar art, Brown teaches a client device, having a microphone and a speaker and adapted to receive information from web servers, the second client device configured to record input speech data associated with each of a set of fields in response to prompts given to a user, and wherein the client device comprises a telephone and a voice browser capable of rendering the information from a web server audibly (column 3, lines 10-13; column 5, lines 49-59; column 11, lines 34-58; column 7, line 57 – column 9, line 37).

Brown's system provides advantages such as enabling users to continually access web pages using an audio interface. Accordingly, it would have been obvious to one of ordinary skill in the art to access Barclay's web server using Brown's voice response system.

Regarding claims 8, 14, 15, 27, 28, and 37, Barclay teaches that that markup language comprises HTML (column 8, line 37 – column 9, line 30). The examiner takes official notice that it was common practice to include script portions in web pages (e.g., javascript), thereby providing more interactive user interfaces. It would have been obvious to do so in the instant case for the same reasons.

Regarding claims 9 and 20, each client device is adapted to normalize (encode) the input speech data prior to sending the input speech data to the recognition server.

Regarding claim 25, Barclay teaches that the web server and the recognition server are located on a single machine (figure 4, 80).

Regarding claims 29, 30, 38, and 39, Barclay teaches that the client device transfers a reference to the grammar to the recognizer with the input data (column 8, lines 26-28).

Regarding claim 36, Brown teaches that rendering the web page includes audibly prompting the user (column 7, line 57 – column 9, line 37).

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,960,399 (“Barclay”) in view of U.S. Patent No. 6,587,822 (“Brown”), and further in view of XML and XSL from servers to cell-phones, by Firoozye et al. (reference X on the PTO-892 mailed on 07 December 2004) (“Firoozye”).

Regarding claims 21-23, Barclay does not teach that the web server detects the type of client device, and dynamically generates markup language according to the type of client device. However, doing so was well known in the art, as evidenced by Firoozye (page 2, “The server chooses the best stylesheet to match a user’s immediate needs and renders the content to match it.”; page 1, “XSL stylesheets [are] matched to the end-user’s environment, the content can be formatted and rendered to match the delivery platform”).

Given the teachings of Firoozye, it would have been obvious to one of ordinary skill in the art to dynamically generate markup language according to the type of client device, thereby best matching users’ immediate needs.

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Regarding claim 24, XSL stylesheets as described by Firoozye read on the claimed dialog modules and are obvious to use for the reasons set forth above.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,960,399 ("Barclay") in view of U.S. Patent No. 6,587,822 ("Brown"), and further in view of U.S. Patent No. 6,453,290 ("Jochumson").

Regarding claims 16-18, Barclay teaches that the recognizer uses different grammars to recognize the speech input and that clients may specify the grammar (column 8, lines 26-28), but does not expressly disclose how the clients are aware of which grammars are supported by the recognizer. As such, it would have been obvious to one of ordinary skill in the art to look outside the teachings of Barclay to find a method for enabling the clients to become aware of the supported grammars.

In a similar art, Jochumson teaches a method and system for network based speech recognition that provides a web pages and an associated grammar reference (column 4, lines 43-53). Given the teachings of Jochumson, it would have been obvious to a person of ordinary skill in the art to include an indication of supported grammars, thereby providing clients with a means for entering the appropriate speech input.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

Applicant contends that the prior art of record does not teach "a single recognition server [that] can support both devices even though the devices are different" (page 10, lines 22-23 of

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applicant's amendment filed on 17 January 2006). The examiner respectfully disagrees for the following reasons.

Barclay and Brown have been combined in the following way in the above rejections:

Barclay's recognizer is a web server that is available over the Internet (abstract; column 9, line 1). It follows that any device connected to the Internet and equipped with a browser could access the recognizer.

Brown teaches a similar system for accessing web pages and filling in forms using an interactive voice response system (column 5, lines 49-59; column 11, lines 34-58; column 7, line 57 – column 9, line 37).

Brown's system provides advantages such as enabling users to continually access web pages using an audio interface. Accordingly, it would have been obvious to one of ordinary skill in the art to access Barclay's web server using Brown's voice response system.

Barclay's client (figure 4, 70) corresponds to the "first client device" set forth in the claims. Barclay's client accesses the recognition server and performs the functions set forth in, for example, the wherein clause of claim 1 (column 8, line 37 – column 9, line 30).

Brown's client (figure 1, 108) corresponds to the "second client device" set forth in the claims. Brown's client accesses the recognition server (as discussed above). However, Brown's "input speech data associated with each of a set of fields" is converted at a Web-Based IVR Platform (figure 1, 102). In other words, Brown's client device accesses the recognition server, but the recognition server does not perform speech recognition for Brown's client device because the recognition is performed at the Web-Based IVR Platform (figure 1, 102).



Nonetheless, the combination of Barclay and Brown still meets the claims. In order to meet the claims the recognition server must be configured to perform speech recognition for only one of the devices. For example, claim 1 states that “the recognition server is configured to ... return data indicative of what was recognized to at least one of the ... device[s]” (emphasis added).

It is noted that the claims also specify that the second device must “send the input speech data to the recognition server”. However, the combination of Barclay and Brown do teach this limitation. Input speech data received and converted by Brown’s Web-Based IVR then sent to Barclay’s recognition server (which is also the web server) reads on input speech data sent to the recognition server, as claimed.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

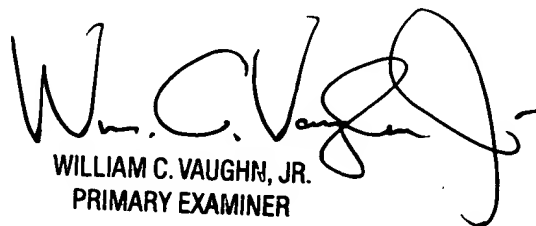
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER